

### REMARKS

Claims 5-8 have been cancelled, and Claims 9-14 have been added. Thus, Claims 1-4 and 9-14 are currently pending in the present application, of which Claims 1-4 have been amended.

The problems related to Claims 1 and 3 have been corrected. Thus, the claim objections to Claims 1 and 3 are believed to be overcome.

Support for the claim amendments can be found in Figure 3 and the corresponding text of the present specification.

#### Rejection under 35 U.S.C. § 103

Claims 1-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sloane* (US 5,918,211) in view of *Harms et al.* (US 6,070,147). Applicant respectfully traverses such rejection insofar as it might apply to the claims as amended herein.

Claim 1 (and similarly Claim 10) recites steps of "determining within said host computer whether or not an immediate purchase of a product associated with said scanned product code qualifies said customer for an award based on said located incentive award information" (lines 15-17), and "in a determination that an immediate purchase of a product associated with said scanned product code qualifies said customer for an award, transmitting information related to an opportunity for receiving said award from said host computer to said input device and displaying said information related to said opportunity for receiving said award on said input device" (lines 18-22).

On pages 2-3 of the Office Action, the Examiner asserts that the above-mentioned claimed steps are disclosed in *Sloane* and *Harms*. Applicant agrees with the Examiner that *Sloane* discloses a method and apparatus for alerting consumers of sales or other product promotions in order to motivate or alter their purchasing decisions at the point-of-purchase. But that is where the similarity ends. As the Examiner notices, *Sloane* does not teach or suggest the step of "determining within said host computer whether or not an immediate purchase of a product

associated with said scanned product code qualifies said customer for an award based on said located incentive award information." Although the Examiner suggests such step is disclosed by *Harms* in Figure 8a, *Harms*' teachings are not really directed to the idea of accruing points by shopping and getting an award at a particular plateau. Instead, *Harms*' teachings are related to capturing consumers' information and the use of such information in connection with marketing applications. Because the cited references, whether considered separately or in combination, do not teach or suggest the claimed invention, the § 103 rejection is believed to be overcome.

In addition, there are at least two differences between the teachings of *Sloane* and *Harms*. First, similar to the present invention, *Sloane*'s teachings are related to influencing consumers' purchasing decisions at the point-of-purchase. In contrast, *Harms*' teachings are related to marketing analysis not at the point-of-purchase. Second, *Sloane* uses a so-called privately-issued customer loyalty card to identify a consumer. In contrast, *Harms* is strongly against the usage of such card (col. 2, lines 45-47). When there is a conflict between the teachings of two or more prior art references, under MPEP § 2143.01, "the Examiner must weigh the power of each reference to suggest solutions to one of ordinary skill in the art, considering the degree to which one reference might accurately discredit another" (emphasis added). The Examiner has seemingly neglected to provide such.

**CONCLUSION**

Claims 1-4 and 9-14 are currently pending in the present application. For the reasons stated above, Applicant believes that independent Claims 1 and 10 along with their respective dependent claims are in condition for allowance. The remaining prior art cited by the Examiner but not relied upon has been reviewed and is not believed to show or suggest the claimed invention.

No fee or extension of time is believed to be necessary; however, in the event that any fee or extension of time is required for the prosecution of this application, please charge it against IBM Deposit Account No. 50-0563.

Respectfully submitted,



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